

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 11

MARTENSE NEW YORK, INC.,

Case No. 109-48910 (CEC)

Debtor.

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**APPLICATION**

**TO THE HONORABLE CARLA E. CRAIG,  
UNITED STATES BANKRUPTCY JUDGE:**

The Application of Martense New York, Inc. (the "Debtor") represents and shows this Court as follows:

1. On October 9, 2009, the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

2. The Debtor desires to employ and retain Goldberg Weprin Finkel Goldstein LLP, attorneys at law, duly admitted to practice before this Court in accordance with the provisions of 11 U.S.C. Section 327.

3. The Debtor has selected Goldberg Weprin Finkel Goldstein LLP by reason of the fact that the firm has considerable experience in bankruptcy matters. The services to be rendered by Goldberg Weprin Finkel Goldstein LLP are as follows:

- A. To provide the Debtor with necessary legal advice in connection with the operation and rehabilitation of its business during the Chapter 11 proceeding.
- B. To represent the Debtor in all Court proceedings and any proceedings before the United States Trustee.

- C. To prepare all necessary legal papers, petitions, orders, applications, motions, reports and plan documents on behalf of the Debtor.
- D. To examine into liens, transfers, and claims and to bring necessary adversary proceedings or objections in connection therewith.
- E. To perform all other legal services for the Debtor which may be necessary herein, including negotiations on behalf of the Debtor with creditor constituencies and other parties-in-interest.

4. The Debtor has been advised that Goldberg Weprin Finkel Goldstein LLP and Finkel Goldstein Rosenbloom & Nash, LLP have, in the past, represented New York Community Bank ("NYCB") or its affiliates in matters which are now closed and which have no relation to this case. Goldberg Weprin Finkel Goldstein LLP is not now representing NYCB or its affiliates in any other pending matters.

5. The Debtor seeks to retain Goldberg Weprin Finkel Goldstein LLP under a general retainer and believes that the firm is disinterested and qualified to serve as bankruptcy counsel.

WHEREFORE, the Debtor requests entry of the pre-fixed order authorizing the retention of Goldberg Weprin Finkel Goldstein LLP as attorneys herein, together with such other and further relief as is just, proper and equitable.

Dated: New York, New York  
March 10, 2010

Martense New York, Inc.

By: /s/ Yehuda Nelkenbaum  
Title: President

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

MARTENSE NEW YORK, INC.,

Case No. 109-48910 (CEC)

Debtor.  
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**AFFIDAVIT OF DISINTERESTEDNESS**

STATE OF NEW YORK     )  
                                  )ss.:  
COUNTY OF NEW YORK )

Kevin J. Nash, being duly sworn, deposes and says:

1.     I am a member of the firm of Goldberg Weprin Finkel Goldstein LLP, which maintains its offices at 1501 Broadway, New York, New York 10036.

2.     Neither I nor Goldberg Weprin Finkel Goldstein LLP have an interest which would disqualify our retention and employment as attorneys for the Debtor under 11 U.S.C. §327.

3.     Neither your deponent nor Goldberg Weprin Finkel Goldstein LLP currently represent any creditors or interested parties in connection with this proceeding or any matters relating to the Debtor's estate or its property.

4.     In the interests of full disclosure, it should be noted that Finkel Goldstein Rosenbloom & Nash, LLP previously represented New York Community Bank ("NYCB") in four matters in the past five years, all of which have been concluded. These

include representing NYCB as secured lender in two Chapter 11 bankruptcy proceedings, Signature Parking, Inc., Case Number 04-16405 (BRL) and Cleantec Support Services Group, Case No. 805-82466-511; defending NYCB in two preference/fraudulent transfer actions in connection with the bankruptcy proceeding of Maywood Capital Corp., case number 05-10987 (RDD); and defending Roslyn Savings Bank as a mortgage holder in an interpleader action in the U.S. District Court for the Eastern District of New York under case number 05 CV 3178 (Wexler, J.).

5. In addition, deponent's firm has represented an affiliate of NYCB, New York Commercial Bank in connection with a litigation entitled Moneygram Payment Systems, Inc. v. Prima Check Cashing, Inc. et al in the U.S. District Court for the Southern District of New York under case number 06 CV 1633 (Lynch, J.), involving competing secured claims against personal property.

6. All of these matters are now closed. None of these actions concerned the Debtor herein, and accordingly, no actual or potential conflicts exist, and it is in the best interests of both estates that this firm be retained as counsel.

7. Goldberg Weprin Finkel Goldstein LLP will provide the services to the Debtor as more particularly delineated within paragraph "3" of the Application in support of my firm's retention. Goldberg Weprin Finkel Goldstein LLP will maintain individual time sheets in this proceeding that will set forth and identify all of the particular

services which the various members and associates of the firm will provide to the Debtor on a day-to-day basis.

8. I have read, and I am generally familiar with the Bankruptcy Code, as amended, the Bankruptcy Rules and the Local Rules of this Court.

/s/ Kevin J. Nash, Esq.

Sworn to before me this  
10<sup>th</sup> day of March, 2010S

/s/ J. Ted Donovan  
NOTARY PUBLIC  
Reg. No. 02DO6041111  
Expires 5/1/10  
Qualified in Suffolk County